

**THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**  
*Caption in Compliance with D.N.J. LBR 9004-1(b)*

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In re:

BED BATH & BEYOND INC., *et al.*,<sup>1</sup>

Debtors.

Case No. 23-13359 (VFP)

Chapter 11  
(Jointly Administered)

Hearing Date: October 24, 2023 at 10:00 a.m.

**NOTICE OF BEN ROSENZWEIG, MARJORIE L. BOWEN,  
AND SHELLEY LOMBARD'S MOTION FOR ENTRY OF AN ORDER ALLOWING  
THE ADVANCEMENT AND PAYMENT OF DEFENSE COSTS PURSUANT  
TO THE DEBTORS' D&O INSURANCE POLICY**

**TO ALL CREDITORS, INTEREST HOLDERS, AND OTHER PARTIES IN INTEREST:**

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<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

**PLEASE TAKE NOTICE** that movants Ben Rosenzweig, Marjorie I. Bowen, and Shelly Lombard, by and through their undersigned attorneys, have moved for entry of an order allowing the advancement and payment of defense costs pursuant to the Debtors' D&O insurance policy (the "Motion") [Doc. No. 2403].

**PLEASE TAKE FURTHER NOTICE** that any opposition to the Motion must be filed in writing with the Clerk of the Bankruptcy Court and a copy served on the undersigned so as to be received within at least seven (7) days prior to the return date, on **October 17, 2023**.

**PLEASE TAKE FURTHER NOTICE** that if any objections to the Motion are deemed to be timely filed and served, a hearing on the Motion will take place on **October 24, 2023 at 10:00 AM** at the United States Bankruptcy Court for the District of New Jersey, Courtroom 3B, 50 Walnut Street, Newark, NJ 07102. There will be no further notice of the hearing and failure to attend the hearing will be deemed a waiver of your objection.

**PLEASE TAKE FURTHER NOTICE** that, in addition to the memorandum of law incorporated in the Motion, undersigned counsel will rely upon *Certification of Counsel in Support of Ben Rosenzweig, Marjorie L. Bowen, and Shelly Lombard's Motion for Entry of An Order Allowing the Advancement and Payment of Defense Costs Pursuant to the Debtors' D&O Insurance Policy* in support thereof. Pursuant to D.N.J. L.B.R. 9013, the undersigned waives oral argument and consents to the disposition on the papers. A proposed form of Order has been submitted. Oral argument is hereby waived unless opposition is submitted. In the event that no opposition is filed, the Order may be entered.

[Signature Page Follows]

Dated: October 3, 2023

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